

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. During November of 1999, the petitioner started to receive unemployment compensation benefits of \$241 per week. She reported this to the Department and was notified that as of December 31, 1999 she would no longer be eligible for VHAP benefits because she was over income. The Department made

this decision after comparing her \$1,036.30 monthly income (\$241 x 4.3 weeks) to the maximum of \$1,030.00 for a single person.

3. The petitioner does not disagree with the Department's figures but asks if some exception can be made because she is only \$6.30 over the maximum. She has asked the Department of Employment and Training if she can reduce her benefit by a few dollars per month so she can still get health benefits and they have been unable to take that step. Her benefits will run out in eight more weeks.

ORDER

The decision of the Department is affirmed.

REASONS

The VHAP program counts all earned and unearned income on a monthly basis which is determined by multiplying the weekly income by 4.3. W.A.M. 4001.81. Unemployment compensation is specifically included as countable unearned income. W.A.M. 4001.81 (b). Deductions are available only from earned income for employment and dependent care expenses, neither of which is applicable here. W.A.M. 4001.81(e) and (f). This income must be compared to the applicable income test and if the

income is over the test amount the applicant cannot be found eligible. W.A.M. 4001.83 and 84. The maximum amount for a household of one is \$1,030. P-2420B(6). Even though the petitioner is only \$6.30 over the maximum, under the rules she is still ineligible and the Department's decision must be affirmed. The Board is not allowed to make exceptions to these limits. 3 V.S.A. § 3091(d).

The petitioner has been made aware that the standards are re-adjusted as of April 1 every year to reflect changes in the federal poverty levels. (VHAP is extended to persons whose countable income is 150% or less of the federal poverty level.) The petitioner is urged to reapply at that time to see if she might be eligible under the readjusted levels.¹

#

¹ There is no way of predicting what the new amount might be but the petitioner should note that the eligibility limit for her household size was raised \$23 from April 1, 1998 to April 1, 1999. It is certainly worthwhile for her to check into this with the Department.